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THE

## INTERIM

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STATE DOCUMENTS COLLECTION

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SPECIAL SESSION  
PLANS

Plans for a November 16 Special Session remain unchanged. The schedule announced for presession hearings is attached. Most legislative meeting plans over the next two months remain somewhat tentative as a result of uncertainties surrounding the session. Here is the text of the call:

## PROCLAMATION TEXT

"WHEREAS, Article V, Section 6, of the Constitution of the State of Montana provides that the legislature may be convened in special sessions by the governor; and

WHEREAS, Article VI, Section 11, of the Constitution of the State of Montana also provides that whenever the governor considers it is in the public interest, he may convene the legislature; and

WHEREAS, Section 8 of House Bill 500, enacted by the 47th Legislature and signed by me into law on May 21, 1981, specifically states as follows:

"Section 8. Other appropriated funds. Unless otherwise indicated herein, the appropriations made under the column heading "Other Appropriated Funds" are from funds within the earmarked revenue fund that accrue under provisions of law to the expending agency. Any federal funds received by or allocated to the State of Montana prior to January 3, 1983, as a block grant as defined by an Act of Congress enacted subsequent to April 1, 1981, and specifically designated as a block grant shall require a special session of the Legislature for appropriation by the Legislature prior to distribution of these funds among agencies and programs;" and

WHEREAS, the 97th Congress has enacted the "Omnibus Budget Reconciliation Act of 1981" (H.R. 3982), which establishes that the State of Montana will receive block grants prior to January 3, 1983; and

WHEREAS, Section 8, of House Bill 500, requires a special session of the Legislature for appropriation of federal funds received as a block grant prior to the distribution of these funds among agencies and programs; and

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WHEREAS, it is necessary to establish new spending authorization for state agencies in response to reduced federal appropriations; and

WHEREAS, certain statutes must be amended in order to reflect necessary program changes resulting from budget modifications; and

WHEREAS, a special session is in the public interest of all Montanans.

NOW THEREFORE, I, Ted Schwinden, Governor of the State of Montana, pursuant to the authority vested in me by the Constitution of the State of Montana, do hereby convene the 47th legislative assembly in special session in the Capitol Building, in Helena, at the hour of 10:00 a.m., the 16th day of November, 1981, and hereby direct the special session of the 47th legislative assembly to consider the following subjects:

1. Appropriations to state agencies and programs of any federal funds received by or allocated to the State of Montana as a block grant.
2. Amendments to the "General Appropriations Act of 1981" (House Bill 500), in order to appropriate and authorize the expenditure of funds as requested in the Governor's Revised Budget for state fiscal years 1982 and 1983.
3. Amendments, repealers or new sections to existing statutes, in the titles and chapters listed below, so that program changes resulting from budget modifications can be made:

Title 39, Chapter 51, MCA  
Title 40, Chapter 6, MCA  
Title 41, Chapter 3, MCA  
Title 50, Chapter 5, MCA  
Title 53, Chapters 2, 3, 4, and 6, MCA"

SUBCOMMITTEE  
ASSIGNMENTS

Here for ready reference is a list of subcommittees organized to consider money issues for the Special Session.

COMMITTEE I

Departments: Institutions; Education  
Block Grants: Educational Consolidation and Improvement; Alcohol, Drug Abuse, and Mental Health

Rep. Esther Bengtson	Rep. Jack Moore, Ch.
Rep. Tom Conroy	Sen. Harold Nelson, VC
Rep. Gene Ernst	Sen. Mark Etchart
Rep. Bob Thoft	Sen. Jack Haffey
	Sen. Judy Jacobson

## COMMITTEE II

Departments: Natural Resources; Legislative,  
Judicial, and Administrative; and Health  
Block Grants: Community Development, Maternal and  
Child Care, Preventive Health, and Primary Care.

Rep. Burt Hurwitz, Ch.

Rep. Francis Bardanouve	Sen. Ed Smith, VC
Rep. Andy Hemstad	Sen. Jan Johnson-Wolf
Rep. Rex Manuel	Sen. Tom Keating
Rep. Chris Stobie	Sen. Bill Thomas
Sen. Fred Van Valkenburg	Sen. Larry Stimatz

## COMMITTEE III

Departments: SRS and Labor  
Block Grants: Community Services, Title XX, and  
Low Income Energy Assistance

Rep. Chuck Cozzens, Ch.

Rep. Earl Lory	Sen. Pete Story, VC
Rep. Walt Sales	Sen. Gary Aklestad
Rep. John Shontz	Sen. Paul Boylan
Rep. Steve Waldron	Sen. Harold Dover
Rep. Joe Quilici	Sen. Pat Regan

## SPECIAL SESSION BILL

It is generally expected that the Governor's call will open the session to consideration of the budget in general. Thus it is expected that a bill amending HB 500 will be the principal vehicle for accomplishing the session's work. As each subcommittee completes its work, a report with amendments will be incorporated and printed on grey paper for consideration by the full Appropriations Committee. The grey bill will be divided into divisions as was HB 500. Each division will be followed by a narrative written by the LFA staff explaining the subcommittee's work.

## PAY FOR PRESESSION WORK

Several legislators have asked what reimbursement to expect during the presession work period. There are a number of categories into which members may fall, and there are unanswered questions for some of these. The Joint Rules Committee plans to meet Monday, November 2, to iron out some of the problem areas and suggest rules to clarify the situation. If you have questions, look for this meeting to help answer them.

## LEGISLATIVE COUNCIL

### FEW LEGISLATORS ORDER CODES

The last issue of this newsletter contained an order blank for codes to be ordered by legislators. So far only 39 orders have been received. You may still order your set by mail or stop at the Council office, room 138, when you are in Helena.

### NEW STAFFERS HIRED

David Boyher is the new researcher who has been assigned to staff the subcommittees on business and fish and game. Dave has been on the job since October 20. John MacMaster began his duties on the legal staff October 29. John will cover the areas formally handled by Jim Lear. Jim has taken a job with the Alaska Legislature.

## FIVE-STATE CONFERENCE

### SUCCESSFUL CONFERENCE REPORTED

Nine legislators attended the Five-State Conference held in Rapid City, SD, in September. Reports are that it was a successful conference. Rep. Shontz reports that water discussions at the Conference centered around the sale of Missouri River water to a coal slurry consortium headed by the Bechtel Corporation. The other states at the Conference expressed great concern with this unilateral action on the part of South Dakota. Rep. Shontz expressed the fear that Montana could be the long-term loser in a first-come, first-served water rights war on the Missouri.

### Water Issues

### Transportation Issues

The Conference also expressed great concern over the need to retain a sound railroad network in the five states. The Conference urged the Congress to investigate a wide range of issues related to the relationship of early day land grants to current railroad responsibilities.

## INTERIM SUBCOMMITTEES

### BUSINESS

### HEARINGS OCTOBER 28 and NOVEMBER 18

The Subcommittee on Business is holding hearings in Billings October 28 and in Helena November 18 to hear recommendations as to what the next legislature can do to improve the state's economic environment and encourage a health economy in the state over a long term. The Helena hearing will be in the SRS auditorium at 7 p.m., November 18.

## EDUCATION

MEETING  
OCTOBER 23

Audit Report  
Reviewed

The Joint Subcommittee on Education held its second meeting on October 23. The Legislative Auditor's Office reviewed a recent audit report on the Office of Public Instruction. The report recommends centralization of the foundation program funding and administration by requiring the counties to remit their equalization revenues to the state. County sources of revenue would then be distributed along with state equalization aid. This would relieve the counties of state-imposed duties and assist Montana in its constitutional goal to equitably fund and distribute the state's share of school costs. It would also control inequities often caused by delinquent or protested taxes.

NCSL SPONSORS  
FORUM

The National Conference of State Legislatures sponsored a forum of legislators and legislative personnel who informed the committee on court mandated school finance reform in their states. The legislators strongly recommended that the committee and the legislature make needed reforms before the courts demand a specific course of action.

Sandra Kissick, Director of Education Programs for NCSL, pledged technical assistance for an investigation into alleged inequities and options for reform of the school finance system.

OPI REPORTS  
REVIEWED

Steve Colberg, statistician for the Office of Public Instruction reviewed the recommendations and findings of the recent report for OPI by Dr. George Bandy.

The Subcommittee plans to meet during an evening of the Special Session.

## HIGHWAYS

HIGHWAYS COMMITTEE  
MEETS WITH  
COMMISSION

The first interim committee activity of October was the meeting of the Joint Subcommittee on Highways with the Montana Highway Commission on October 1. All members of both groups were present for the discussions outlining the duties and responsibilities of the commission and exploring changes in the law that might improve its effectiveness.

## TRANSPORTATION

### SMALL TURNOUT AT KALISPELL

About 35 people participated in the public hearing conducted at Kalispell on October 26 by the Joint Subcommittee on Transportation, and all but 8 were legislators, lobbyists, or state employees. The evening meeting was occupied almost entirely by discussion of problems of highway construction and maintenance. During the afternoon meeting, Burlington Northern's plans for branch line abandonments and unit trains were discussed and status of land grants was reviewed.

### JOINT MEETING PLANNED DURING SPECIAL SESSION

Memberships of both Joint Committees on Highways and on Transportation have agreed to a combined meeting sometime during the November Special Session, on a date yet to be chosen.

## HUMAN SERVICES

### MEETING SUNDAY NOVEMBER 15

The Subcommittee on Human Services will be meeting at 10 a.m. on Sunday, November 15, in room 104 of the State Capitol, Helena. The Subcommittee will receive a report from Carroll South on recent program additions within the Department of Institutions. The report will include a discussion of the selection of a site for the Women's Prison and the implementation of a management awareness and safety program at Warm Springs State Hospital.

Other items on the Subcommittee's agenda include a discussion of community-based services to youth and the problems involved in placing the emotionally disturbed youth; a report on shelter care funding problems; and a presentation of recommended legislation from the Juvenile Justice Council's Persistent Status Offender Task Force.

## JUDICIARY

### MEETING SATURDAY

The Joint Subcommittee on Judiciary will hold its third meeting of the interim on Saturday, Nov. 14, at 10:00 a.m. in room 139 of the State Capitol. During the morning session, the committee will continue its study of delays in the criminal appellate process. Members will review two proposed bills: (1) an act permitting the state to request the Sentence Review Division of the Montana Supreme Court to review a criminal sentence; and (2) an act amending the state appellate procedure to include a contemporaneous objection provision. The committee will also examine methods for reducing transcript preparation time.



In the afternoon, members will consider issues surrounding judicial redistricting and related topics such as court financing. A bill eliminating peremptory challenges as a method of disqualifying judges in district court proceedings will also be discussed.

#### REVENUE OVERSIGHT COMMITTEE

NOVEMBER 17  
MEETING SET

The next meeting of the Revenue Oversight Committee is scheduled for Nov. 17. The meeting will begin at 9 a.m. in room 415 in the Capitol. The tentative agenda for the meeting includes an outline of current revenue estimates by the Legislative Fiscal Analyst and the Office of Budget and Program Planning; a discussion of SJR 26 and related litigation between the Dept. of Revenue and the Montana Taxpayers' Association; a DOR report on property reappraisal, and a staff report on local government finances.

#### COAL TAX OVERSIGHT SUBCOMMITTEE

MEETING  
PLANNED FOR  
NOVEMBER 16

The next meeting of the Coal Tax Oversight Subcommittee is scheduled for Nov. 16. The meeting will begin at 7 p.m. in room 139 of the Capitol. The tentative agenda for the meeting includes an examination of the scope of the committee, discussion of future uses of coal tax revenue, and discussion of the manner in which certain grant applications are presented to the legislature for funding.

#### INDIAN AFFAIRS

PABLO MEETING  
HELD

The Select Committee on Indian Affairs held its second meeting on October 7 on the Flathead Reservation in Pablo. The Committee imparted what information it had regarding block grants as they pertain to Indians. Apparent from the meeting was the untimely communication between the federal government and the tribes and the frustration expressed by all regarding this poor communication on matters of such vital concern. The Committee was invited to attend a meeting sponsored by the Governor, in Helena, on October 29 and 30, at which state, tribal, and federal representatives were present to again discuss block grants.

## WATER RESOURCES OVERSIGHT

NOVEMBER 17  
MEETING SET

The Water Resources Oversight Committee will hold its next meeting on November 17 at 7:00 p.m. in room 139. The Committee agenda consists of a film presentation by DNRC entitled "Water Rights in Montana: A Crisis at our Headgates", updates from DNRC and Chief Water Judge W.W. Lessley on the adjudication process and water development program; and consideration of sponsoring a Montana ground water conference, perhaps jointly with EQC.

The Committee will be taking a tour of the Tongue River Dam Project on October 29, offered by DNRC to the Committee and other state and federal officials.

## SJR 34 ADVISORY COMMITTEE

MEETING  
NOVEMBER 20

The first meeting of the SJR 34 Advisory Committee has been set for November 20. This date is subject to change depending on the Special Session schedule.

## DISTRICTING AND APPORTIONMENT COMMISSION

FIRST REAPPOR-  
TIONMENT WORK  
DONE

The District and Apportionment Commission held its first district-forming meeting on October 16. The Commission reviewed three alternative congressional district plans and tentatively approved "Plan C", which adds Toole, Liberty, Pondera, and Meagher counties to the present eastern congressional district. Under this plan, the population of the eastern congressional district is 393,392 and the western district is 393,298. The districts thus deviating from the "ideal" size by +47 or +.01%. No dissent was expressed over this plan, while support came from Congressman Ron Marlenee and from Congressman Pat Williams, who approved of whatever choice the Commission made.

MALMSTROM  
DISTRICT  
DISCUSSED

The Commission also discussed the merits of forming one as opposed to more than one district on the Malmstrom Air Force Base. Rep. John Phillips testified in opposition to dividing the base into more than one district, as the base is a "community of interest" in Great Falls. Others testified, on the other hand, that the base population historically has a low voter registration and turnout, indicating that the community is not concerned with local politics and the representative from the base

has an unfair advantage over all other state representatives. The Commission made no final decisions with regard to the situation but instructed the researcher to develop alternative plans for future consideration which both divide the base and keep it intact.

The Commission spent a full afternoon considering legislative districts in rural eastern Montana. It tentatively established 20 House districts and 10 Senate districts.

The Commission will be holding many public hearings throughout the state at a later date in order to receive input on both the legislative and congressional redistricting plan. The plan also will be submitted to the legislature for its review prior to becoming official.

Nancy Aagenes, a Senate Democrat-appointed Commissioner, has resigned from the Commission to move to New Zealand. A replacement has not yet been announced.

#### ENVIRONMENTAL QUALITY COUNCIL

MEETING DATE  
NOVEMBER 16

The Environmental Quality Council and its subcommittees will hold several meetings during the upcoming special legislative session. The full EQC will meet Monday, Nov. 16, at 7:00 p.m. in room 437. Included on the agenda are a review of certain aspects of the environmental impact statement process and plans for further evaluation; discussion of oil and gas development issues; reports of the budget and appropriation process as it impacts natural resource and economic development programs; and discussion of tentative plans for a regional groundwater conference sponsored jointly with the Water Resources Oversight Committee. EQC subcommittees will report on their activities, and a general business meeting will be held.

PESTICIDES  
MEETING  
NOVEMBER 19

EQC will hold a public informational hearing Thursday evening, Nov. 19, at 7:00 p.m. in room 437 on concerns related to the use of pesticides and predator poisons. While interest has focused on the compound Endrin in recent weeks, EQC and others interested will be briefed not only on the events comprising the Endrin controversy but on larger issues of the application and effects of pesticides and predator poisons. EQC will look at the issues from all sides and will

actively solicit comments from agricultural, wildlife, industry, research, public health, governmental, and other interested groups. Hearing participants will have the opportunity to discuss the present system of pesticide regulation and its ability to meet the needs of the various groups concerned.

SUBCOMMITTEES  
TO MEET

The Subcommittee on Environmental Regulation and the Economy, chaired by Senator Gary Lee, will meet during the week of Nov. 16 at a time and place to be announced. The Subcommittee will organize and coordinate its activities with the Subcommittee on Business, which will meet Nov. 18.

The EQC Hard-Rock Mining Subcommittee, meeting jointly with Revenue Oversight Committee members, held its first meeting Oct. 2 and heard testimony from industry, state and local officials, and landowners affected by proposed increased hard-rock mine development. The Subcommittee will meet again Tuesday, Nov. 17, at 7:00 p.m. in room 437, during the Special Session to continue its deliberations and monitor funding and staffing proposals for the Hard-Rock Impact Board recently appointed to implement HB 718.

Because of uncertainty over scheduling and duration of the Special Session, the date, location, and time of EQC's meetings may be subject to change. Watch for additional notice as the session approaches.

## LEGISLATIVE INTERIM CALENDAR

NOVEMBER

SUNDAY

MONDAY

TUESDAY

WEDNESDAY

THURSDAY

FRIDAY

SATURDAY

1	2	3 Prison Security 2:00 pm Rm 139	4	5	6	7
	PLEASE NOTE: AND HOUSE APPROPRIATIONS SUB COMMITTEES WHICH IS ATTACHED	SEE TENTATIVE HEARING SCHEDULE FOR SENATE			FINANCE AND CLAIMS FOR NOVEMBER 2 - 13.	
8	9	10	11	12	13	14 Judiciary 10:00 am Room 139
15 Human Services 10:00 am Room 104	16 Special Session Opens Coal Tax Over 7 pm Room 139 EQC 7 pm Room 437	17 Water Res. 7:30 pm Rm 139 Revenue Over 9:00 am Rm 415 Hard-Rock Min 7:00 pm Room 437	18 Business 7:30 pm SRS Auditorium	19 EQC-Pesticides 7:00 pm Room 437	20	21
22	23	24	25	26	27	28
				Gobble Gobble		
29	30					

All dates subject to change



TENTATIVE HEARING SCHEDULE  
FOR SENATE FINANCE AND CLAIMS  
AND HOUSE APPROPRIATIONS SUBCOMMITTEES

<u>Date</u>	<u>Time</u>	<u>Topic</u>	
Nov. 2	9:00-12:00	Joint Meeting of House Appropriations and Senate Finance Claims Governor's Budget and Legislative Analysis	Room 104
	1:30- 4:00	Local Government Hearing - Comments on Block Grants and Executive Proposal Relating to Local Government.	Room 104 or House Chambers
Nov. 3	9:00-12:00	Room 135 <u>Committee I</u>	Room 108 <u>Committee III</u>
	1:30- 4:00	State Library Arts Council School for Deaf & Blind	Fish & Game Dept. Natural Resources Dept. Natural Resources Commerce Livestock
Nov. 4	9:00-12:00 1:30- 4:00	-----> OPI Vo-Tech Centers	AFDC AFDC-Medicaid County Proposal County Proposal
Nov. 5	9:00-12:00	OPI	Block Grants Social Services Low Income Energy Community Services
	1:30- 4:00	University System Committee Action	Same
Nov. 6	9:00-12:00	ESEA - Title I	Administrative Cutbacks A. Merit System B. Youth Development C. D.C.A.

<u>Date</u>	<u>Time</u>	<u>Committee I</u>	<u>Committee II</u>	<u>Committee III</u>
Nov. 9	9:00-12:00 1:30- 4:00	Mental Health Mental Health	Health Dept. Health Dept.	Developmentally Disabled A. Food Stamp B. Vocational Rehabilitation C. Aging Services
Nov. 10	9:00-12:00 1:30- 4:00	Alcohol and Drug Committee Action	Health Department Health Department	Department of Labor Committee Action
Nov. 11	9:00-12:00 1:30- 4:00	Women's Prison Long Range Committee Action	Health Department Health Department	Committee Action Committee Action
Nov. 12	9:00-12:00 1:30- 4:00	Committee Action Committee Action	Committee Action Committee Action	Committee Action Committee Action
Nov. 13	9:00-12:00 1:30- 4:00	Committee Action Committee Action	Committee Action Committee Action	Committee Action Committee Action



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